

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Panchayat Raj & Rural Development Department – Mandal Parishad Development Officers – Sri P.Mallikarjuna Rao, Mandal Parishad Development Officer, MPP., Udayagiri, Nellore District – Misappropriation of pension amounts – Charges framed – Enquiry Officer appointed – Charges proved – Dismissed from service – Punishment orders set-aside – Further enquiry – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (Vig.IV) DEPARTMENT

G.O.Rt.No: 230

Dated:- 19-02-2011.

Read the following:-

- (1) G.O.Rt.No.62, PR&RD(Vig-IV)Dept., Dt.18-01-2010.
- (2) From the Hon'ble APAT, orders Dt.10-11-2010 in OA.No.356.
- (3) From Sri. P. Mallikarjuna Rao, MPDO, (Dismissed), MPP, Martur, of Prakasam Dist, Dt.22-11-2010.

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ORDER:-

In the G.O 1st read above orders were issued dismissing Sri P.Mallikarjuna Rao, MPDO formerly at Udayagiri of Nellore Dist., from service for misappropriation of amounts relating to the old age and widow pensions after following due procedure.

Aggrieved by the orders of the Government, Sri P.Mallikarjuna Rao, has filed O.A.No.356/2010 in the APAT. The Hon'ble APAT in the judgment 2nd cited, set aside the orders of the Govt, with the following observations:

It is seen that the enquiry officer has not conducted the enquiry in accordance with Sub-Rule-10(a) to 18(1) of Rule-20 of APCS(CC&A) Rules. No documents are marked. No statement is recorded. There is evidence in the record stating that witnesses have been examined and cross-examined by the Presenting Officer as well as the delinquent. The enquiry officer has proceeded to record his findings solely on the report of the various Mandal Parishad Development Officers of respective mandals mentioned in the charge memo. The enquiry officer has not given the applicant the opportunity of inspecting any documents. Therefore, it can be safely concluded that the enquiry conducted by the enquiry officer is totally contrary to Sub-Rule-10(a) to 18(1) of Rule-20 of APCS (CC&A) Rules resulting in denial of reasonable opportunity to the applicant. In the opinion of this Tribunal, this ground itself is sufficient to set aside the impugned orders passed by the respondents. The other grounds of attack raised by the applicant need not be decided at this stage.

Having regard to the facts and circumstances obtaining in this case, the impugned GO.Rt.No.62 OR&RD (Vilg.IV) Deptt., dated: 18-1-2010 is contrary to Rule-20 of APCS(CC&A) Rule: and is, hereby, set side. However, this order does not preclude the authorities to conduct the enquiry strictly in accordance with Rule-20 of APCS (CC&A) Rules

In the representation 3rd read above, Sri P.Mallikarjuna Rao, (Dismissed) MPDO, formerly Martur, Prakasam Dist, has requested to reinstate him into service in view of the orders of the Hon'ble APAT.

(PTO)

The Government on a consideration of the circumstances of the case has decided that the order imposing the penalty of dismissal should be set aside and a further departmental inquiry should be held under the provisions of Andhra Pradesh Civil Services (CC&A) Rules, 1991, against Sri P. Mallikarjuna Rao, MPDO (Dismissed) formerly at Udayagiri Mandal of Nellore District on the basis of the misconduct which lead to the imposition of penalty of dismissal from service.

Now, therefore, the Government hereby:

- (i) Set aside the said order of dismissal from service imposed against Sri. P. Mallikarjuna Rao, MPDO,formerly at Udayagiri Mandal of Nellore District;
- (ii) Direct that a further departmental enquiry should be held under the provisions of the Andhra Pradesh Civil Services (CC&A) Rules, 1991 against Sri P. Mallikarjuna Rao, MPDO formerly at Udayagiri Mandal of Nellore District on the basis of the misconduct which lead to the imposition of penalty of dismissal from service, and also
- (iii) Direct that the said Sri P. Mallikarjuna Rao, MPDO,formerly at Udayagiri Mandal of Nellore District shall, under sub-rule (4) of rule 8 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991, be deemed to have been placed under suspension with effect from the date of dismissal and shall continue to remain under suspension until further orders.

The Commissioner Panchayat Raj and Rural Employment shall conduct further enquiry strictly in accordance with Rule 20 of APCS(CC&A) Rules,1990 and as per the orders of the APAT and furnish a report to Government with in one month for taking necessary action in the matter

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESWH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P.Mallikarjuna Rao, former MPDO., MPP., Udayagiri, Nellore Dist., through The
Commissoner of Panchayat Raj & Rural Employment,, Hyd.
The Commissoner of Panchayat Raj & Rural Employment., Hyderabad.
Copy to:- The District Collector, SPSR Nellore Dist.,
The Government Pleader for Panchayat Raj, APAT, Hyderabad.

//Forwarded by order//

SECTION OFFICER